

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

**Janice Hargrove Warren**

**PLAINTIFF**

v.

**Case No 4:19-CV-655 BSM**

**Charles McNulty, et al.**

**DEFENDANTS**

**REPLY TO RESPONSE TO MOTION TO QUASH OF SECRETARY  
OF EDUCATION JOHNNY KEY**

For his Reply, to Secretary of Education Johnny Key, who is not a party to the present case, sets forth the following:

1. To avoid any confusion, the construction documents attached to the subpoena, including the change order, were not reviewed or signed by Johnny Key (in keeping with Judge Marshall's admonition). The only document Key reviewed and signed (acting in lieu of the Pulaski County Special School District Board of Directors) is the document marked Plaintiff's Exhibit 64 (which is the last page of Key's *Motion to Quash* Ex. 1), which was the equivalent of a board of directors' resolution approving the expenditure of \$80 million for the reasons stated in the resolution. Once Key signed the resolution authorizing the payment, taking steps necessary to carry out PCSSD's desegregation obligations became the responsibility of Superintendent Jerry Guess, who Judge Marshall recognized to be "the captain of the ship" as to PCSSD desegregation matters.

2. Key likewise was not involved in PCSSD desegregation monitoring.  
3. Because Key has no personal knowledge of facts relevant to plaintiff's case, any testimony sought would be inadmissible under Federal Rules of Evidence 401 and 602, thus

rendering his compulsory attendance at trial unreasonable and unduly burdensome under Federal Rules of Civil Procedure 45(d)(3)(A)(iv).

For the foregoing reasons, Secretary of Education Johnny Key respectfully requests that this Court quash the subpoena issued against him.

Respectfully submitted,

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Attorney for Secretary of Education Johnny Key

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2021, a copy of the foregoing was sent to all parties via the CM/ECF electronic filing system.

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